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\* ADMITTED IN NY & NJ

November 18, 2021

**BY ECF**

The Honorable Mary Kay Vyskocil  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

***Re: United States v. Navarro, et al., 20 CR 160 (MKV)***  
***Seth Fishman – Defendant***

Your Honor:

I write in accordance with Fed.R.Crim.P. Rule 16(b)(1)(C) to notify the Court and the Government that the defendant, Seth Fishman, intends to call as an expert witness at trial, Clara K. Fenger, DVM, PhD, Dipl, ACVIM.

Dr. Fenger is a licensed veterinarian, holds a PhD in Veterinary Science and Molecular Parasitology, and is currently the sole proprietor of Equine Integrated Medicine, PLC in Georgetown, Kentucky. A copy of Dr. Fenger's Curriculum Vitae is annexed hereto as an exhibit.

Dr. Fenger will be provided with exhibits and lists of veterinary products seized from the home of Dr. Fishman and the offices of his business, Equestology. Dr. Fenger will also be provided with exhibits including lists of items purportedly dispensed by Dr. Fishman and others, allegedly at his request, and contained both in the discovery and 3500 material provided to defense counsel in this case.

Based upon her analysis of these items, Dr. Fenger will provide opinion testimony regarding the following:

1. The clinical pharmacology of these products;
2. The safety and efficacy of these products when administered to racehorses;

3. The propriety of using these products for the purpose of maintaining the health and welfare of horses involved in racing;

Dr. Fenger will base her opinions on (a) personal experience and knowledge gained from her work in the horseracing industry; (b) a review of data from the relevant scientific literature including studies conducted on horses and other species; and/or (c) her own clinical examination of the substances at issue.

Dr. Fenger may also be asked to provide testimony regarding appropriate standards for the practice of veterinary medicine, including the maintenance and treatment of herd animals such as a stable of racehorses.

I have spoken to AUSAs Adams and Mortazavi regarding the need for supplemental notice regarding proffered testimony by this and other witnesses. It is my understanding that the Government and defense counsel will seek to narrow the focus of testimony, both by this witness and by the Government's proposed expert on veterinary medicine. Counsel will then provide a summary of Dr. Fenger's expert testimony, in accordance with Rule 16(b) as it relates to the products that are truly at issue.

Most respectfully,

/s/Maurice H. Sercarz

Encl.

cc: All Parties (by ECF)